

Thomas Krueger  
04/12/2001 03:39 PM

To: Carol Ropski, SONIA VEGA, Deborah Garber, Victoria Vanroden, Gary Worthman, Matthew Cohn, Andrea M  
Subject: RE: Western Minerals

----- Forwarded by Thomas Krueger/R5/USEPA/US on 04/12/2001 03:16 PM -----



David Cleary <DMC@nmrs.com> on 04/12/2001 12:41:44 PM

To: Thomas Krueger cc: Bernie Hawkins  
Subject: RE: Western Minerals

Tom:

I have reviewed your draft and have a call tentatively scheduled with the bankruptcy team on Monday for their input, timing, etc. The comment I got back from the General Counsel was that W. R. Grace & Co.-Conn. will be the entity signing the deal.

Each entity has its own bankruptcy filing, so there's no sense in making this more complicated than we have to. W. R. Grace & Co.-Conn. is the operating Group with pretty much all of the assets of Grace. It's also the entity that would have owned the Site, as well.

I'll keep in touch with you as I gain information. The bankruptcy has added a cumbersome layer to everything that I have to report through. I'm sorry for any inconvenience this is causing. And I extend my full apology too. You now got more than the Chinese government did!

DMC

-----Original Message-----

From: Krueger.Thomas@epamail.epa.gov  
[mailto:Krueger.Thomas@epamail.epa.gov]  
Sent: Monday, April 09, 2001 1:29 PM  
To: David Cleary; Bernie Hawkins  
Cc: Vega.Sonia@epamail.epa.gov; Ropski.Carol@epamail.epa.gov;  
Garber.Deborah@epamail.epa.gov; Cohen.Eric@epamail.epa.gov;  
Karl.Richard@epamail.epa.gov  
Subject: Western Minerals

Mr. Cleary and Mr. Hawkins,

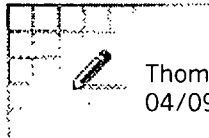
Attached is a revised settlement document that removes the past cost component of the agreement in principal that we had previously reached. This revision also makes a few other changes that we have discussed, including changing the initial special account amount back to \$830,000 and making some small revisions to the background section. The attached document has approval at senior levels of management, though it is possible that other issues could be raised during the formal signoff process. Please let me know as soon as possible whether this document is acceptable to Grace. Also please let me know how you expect the Court approval process to proceed -- (e.g., do the parties sign the document and then seek Court approval, or does Grace need Court approval in order to sign the document).

As we have discussed, EPA is willing to work with you to complete this settlement as long as it does not interfere with prompt commencement of the necessary cleanup work. Please let me know your projected timeframes for confirming Grace management's approval, and for obtaining Court approval.

Thank you for your cooperation.

Tom Krueger

(See attached file: westernminerals.bkr.aoc.doc) (See attached file:  
westernminerals.bkr.aoc.rtf) (See attached file:  
westernminerals.bkr.aoc.wpd)



Thomas Krueger  
04/09/2001 12:29 PM

To: DMC, BFH cc: SONIA VEGA, Carol Ropski, Deborah Garber, Eric Cohen, RICHARD KARL  
Subject: Western Minerals

Hi Hawkins,

Attached is a revised settlement document that removed the past cost component of the agreement in principal that we had previously reached. This revision also makes a few other changes that we have discussed, including changing the initial special dividend amount back to \$830,000 and making some small revisions to the background section. The attached document has approval at senior levels of management, though it is possible that other issues could be raised during the formal signoff process. Please let me know as soon as possible whether this document is acceptable to Grace. Also please let me know how you view the Court approval process (e.g. do you think it is necessary to get Court approval for this document? Does Grace need Court approval to sign off on the document?)

As we have discussed, EPA is willing to work with you to complete the settlement as long as it does not interfere with prompt completion of the necessary regulatory process. Please let me know your projected timeframes for confirming Grace management's approval, and for obtaining Court approval.

Thank you for your cooperation.

Tom Krueger



westernminerals.bkr.aoc.d westernminerals.bkr.aoc. westernminerals.bkr.aoc.wp